

**ZONING AND ADJUSTMENT BOARD**  
***July 20, 2009***

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, July 20, 2009, at 6:30 pm with the following members present: Larry Story-Chairman, Ron Berry, Frank Topping-Vice-Chairman, Frank Szczepanski, Dossie Singleton, Richard Cole, Jessica Garner, Brad Shepherd, and Marge Thies.

Members Bailey Cassels, Nathan Yoder, Woody Hill and Bob Hunt were absent.

Brad Cornelius, Planning Manager, and Sandy Cassels, Recording Secretary, were present. Derrill McAteer, Zoning and Adjustment Board Attorney, was also present.

Chairman Larry Story called the meeting to order.

Ms. Thies led the pledge of allegiance, and Mr. Berry led the prayer.

Mr. Story presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the July 6, 2009, meeting. Mr. Berry seconded the motion, and the motion carried.

Mr. Story stated "If you plan to speak during any of the public hearing, please rise and be sworn". Those wishing to speak were sworn in by Sandy Cassels, ZAB secretary. Mr. Story stated, "Finally, please state your name, address, and whether or not you have been sworn when you approach the podium to speak."

**T2009-0021**

**James & Laura Shuyler – Renew Temporary Use Permit for three years to allow a mobile home as a care receiver's residence.**

James & Laura Shuyler, applicants, were present and requested a renewal of a Temporary Use Permit (TUP) for three years to allow a mobile home as a care receiver's residence. There were six notices sent. Of the six notices sent, three were returned in favor and none were returned in objection. There were no objections from the audience.

Mr. Cole asked Mr. Shuyler who Betty Shuyler is, in which, Mr. Shuyler stated she is his mother.

Mr. Topping made a motion to approve the renewal of a Temporary Use Permit for three years as a care receiver's residence. Mr. Cole seconded the motion, and the motion carried.

**SS2009-0005**

**James & Evelyn Bryant – Small Scale Land Use Amendment on 5 acres MOL from Agricultural to Commercial**

Mr. Berry made a motion to remove this application from the table. Mr. Cole seconded the motion, and the motion carried.

Garry Bach, representative for the applicant, was present and requested a Small Scale Land Use Amendment on 5 acres MOL from Agricultural to Commercial. There were five notices sent. Of the five notices sent, four were returned in favor and one was returned in objection. Mr. Cornelius read the letter of objection into the record.

Mr. Cornelius discussed the background information of the case, which included the initial application, the initial hearing and the applicant's request to amend the application to CP (Planned Commercial). Mr. Cornelius discussed the Development Review Committee's (DRC) recommendation and Staff's review of the application. Mr. Cornelius explained this application is not consistent with the restrictions placed on the property with the Board of Adjustment (BA) case from 1993, when the property owner applied for and received a special exception for an Agricultural Trucking business. Mr. Cornelius stated DRC recommended approval of the application for the rezoning associated with this Small Scale Land Use Amendment with the following conditions:

- Truck traffic shall be limited to 3 round-trips per day and no more than 14 round-trips per week. This limitation is consistent with the current restriction on the property under the existing Special Exception approval (BA 1-93-10). This restriction is needed to assure compatibility with the existing residential and agricultural properties in the area. In addition, Public Works is not able to confirm that CR 532W is sufficiently designed to handle the additional heavy truck traffic. If truck traffic is increased on CR 532W, Public Works recommended the applicant have a professional engineer evaluate the ability of CR 532W to handle the additional truck traffic and for the applicant to provide any required improvements to CR 532W.
- Given the existing rural residential and agricultural character of the surrounding uses, the open/outdoor storage of materials (asphalt, limerock, etc.) and addition of fuel tanks are prohibited.
- The hours of operation shall be from 7:00 a.m. to 8:00 p.m., Monday through Friday.
- All trucks and equipment shall only use the driveway on C-475. Only passenger vehicles shall use the driveway on CR 312.
- Recess the proposed gate at the driveway to at least 30-feet, pave driveway (asphalt or concrete), and provide for a 50-foot return radius to C-475.
- No right-of-way exists for CR 312. The applicant must dedicate to the County the 35 feet of right-of-way where CR 312 currently crosses the property.

Mr. Cornelius explained the County and the cities within the county are working on Interlocal Service Boundary Agreements/Joint Planning Areas (ISBA/JPA) and this property is under consideration to be included with the ISBA/JPA for the City of Bushnell. With this parcel in the potential ISBA/JPA with the City of Bushnell, there may be more of a mixed use along the corridor which would support more commercial development.

Mr. Bach stated he discussed the conditions for approval and can not meet some of them. He stated he now has 8 trucks, with 13 employees, so he needs to have at least 16 round trips per day and 80 round trips per week. Mr. Bach also stated sometimes he has to have trucks run on Saturdays. Mr. Bach stated that the condition on the hours of operation would not work with the type of work he does, as he needs to have his trucks on the road no later than 4:00 a.m. to get to job sites on time, and the trucks return after 3:00 p.m. with the mechanic doing work on the trucks as needed. The mechanic would also work on weekends to ensure the trucks are in proper working order. Mr. Bach stated he is trying to move to a larger piece of property to increase the size of his business.

Mr. Topping explained to Mr. Bach the conditions are to help create less of an impact to the surrounding property owners.

John Nelson, audience member, spoke in objection of the application. Mr. Nelson stated his reasons for being against the application are: 1) the increase in traffic, which would be a safety issue as there is a school bus stop at the corner of C-475 and CR 312. 2) The trucking operation that is there now is an over-the-road operation so there aren't trucks coming in and out every day.

Mr. Shephard asked Mr. Cornelius if the restrictions being placed on this application are standard. Mr. Cornelius stated some of the restrictions are from the BA case, and some are new restrictions, but they are standard for an application of this type in this type of area.

Martha Laine, audience member, spoke in favor of the application. Ms. Laine stated she is the real estate agent for the applicant. Ms. Laine stated she believes this is a good place for this type of operation because of it's proximity to I-75 and to US 301.

Mr. McAteer explained "due process" and that staff will not refuse to take an application, but will explain the process and the possibility that the application may or may not get approved.

Mr. Bach stated he would like to keep the number of trucks he now utilizes at his present location, and would like to be able to start work at 3:00 a.m.

Ms. Garner asked Mr. Bach if he could utilize his existing location and this location. Mr. Bach stated the location he presently uses belongs to his father and it is up for sale. Mr. Bach stated if the property is sold, he would have to move, and there isn't enough room at the current location for his trucks and equipment.

The Zoning and Adjustment Board discussed the conditions for the application, including the hours of operation, number of trucks, and outdoor storage of materials.

Mr. Topping made a motion to recommend denial of the Small Scale Land Use Amendment to the Board of County Commissioners, due to the applicant's inability to meet the proposed condition and incompatibility with the existing surrounding land use pattern. Mr. Cole seconded the motion, and the motion carried.

#### **R2009-0014**

##### **James & Evelyn Bryant – Rezone 5 acres MOL from A5 to CP (Planned Commercial)**

Mr. Berry made a motion to remove this application from the table. Mr. Cole seconded the motion, and the motion carried.

Garry Bach, representative for the applicant, was present and requested a rezoning on 5 acres MOL from A5 to CP (Planned Commercial). There were five notices sent. Of the five notices sent, four were returned in favor and one was returned in objection.

Mr. Topping made a motion to recommend denial of the rezoning to the Board of County Commissioners due to the Small Scale Land Use Amendment being recommended for denial. Mr. Cole seconded the motion, and the motion carried.

#### **R2009-0016**

##### **Lee Capital, LLC, et al – Rezone 239.83 acres MOL from A5, ID, & CL to IP (Planned Commercial)**

Mr. Cornelius explained Staff is recommending this application be tabled to a date to be determined. Mr. Cornelius stated staff is working with the applicant to prepare a Developer's Agreement.

Mr. Topping made a motion to table case R2009-0016 to a date to be determined as requested by staff. Mr. Cole seconded the motion, and the motion carried.

**CPA2009-0001 & CPA2009-0003**

**Sumter, LLC et al & Sumter County Board of County Commissioners**

Mr. Cornelius explained Staff is requesting these applications be tabled until the August 3, 2009, ZAB hearing due to an area being added to CPA2009-0001 and need to re-notice the applicants.

Mr. Topping made a motion to table these applications until the August 3, 2009, ZAB hearing. Mr. Cole seconded the motion, and the motion carried.

**Board Discussion**

Mr. Cornelius explained to the ZAB members he will meet with Environmental Health on Tuesday, July 21, 2009, to discuss the issues of RV's, Temporary Use Permits (TUP), and septic tanks.

The ZAB also discussed the TUP doctor statement and the need to tighten the language. Mr. Cornelius stated he will prepare a revised TUP doctor statement for the ZAB's review on August 3<sup>rd</sup>.

Mr. Cole made a motion to adjourn at 7:55 p.m. Mr. Berry seconded the motion, and the motion carried.

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Larry Story, Chairman  
Zoning and Adjustment Board